

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

LIFEWISE, INC.,

Plaintiff,

v.

ZACHARY PARRISH,

Defendant.

Case No.: 1:24-cv-00268-SLC

Chief Judge Holly A. Brady

Magistrate Judge Susan L. Collins

**PLAINTIFF LIFEWISE’S STATEMENT OF MATERIAL FACTS  
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

1. LifeWise is a privately funded, Christian non-profit that provides public school families with released time religious instruction in traditional, character-based, Biblical teaching during school hours. It provides the religious instruction only to families that want it. And it does so off school property. Compl. ¶2; *see* Parrish Mot. to Dismiss (“Def. Mot.”) at 1 (“LifeWise is a private organization that markets religious instruction for public school students.”).

2. LifeWise calls its released time religious instruction program LifeWise Academy, and it is permitted to offer this program to public school students under released time religious instruction statutes in Indiana and across the country. Compl. ¶3. (These statutes are constitutional under the U.S. Supreme Court’s holding in *Zorach v. Clauson*, 343 U.S. 306 (1952).)

3. The LifeWise Academy curriculum (“Curriculum”) is protected by copyright, and LifeWise is the exclusive owner of the Curriculum. LifeWise was previously known as Stand for Truth, Inc. The relevant copyrights were registered to Stand for Truth, Inc. as the author on July 8, 2021 prior to changing its corporate name to LifeWise, Inc. on September 7, 2022. Compl. ¶15; *see* Compl. Ex. A; *see generally* Def. Mot.

4. Local LifeWise Academy chapter programs must pay a fee to access the LifeWise

Curriculum. Compl. ¶28; *cf.* Def. Mot. at 8 (“Even if the Court accepts that LifeWise lost out on the licensing fees Mr. Parrish would otherwise have had to pay, that should not change the analysis.”).

5. Defendant Mr. Zachary Parrish posed as a LifeWise volunteer to gain access to internal LifeWise documents, including its Curriculum. Comp. ¶7; *cf.* Def. Mot. at 1 (“[Parrish] acquired and shared the LifeWise elementary school curriculum on a critical website and a Facebook group, both called ‘Parents Against Lifewise.’”).

6. Parrish published internal LifeWise documents and the entire copyrighted Curriculum on his website: <https://parentsagainstlifewise.online/> (“Website”). Compl. ¶7; *see* Def. Mot. at 2 (“[Parrish] posted the entire curriculum”).

7. It is “highly likely that some local programs will download free versions of the LifeWise Curriculum” from Parrish’s Website. Compl. ¶50; *see* Def. Mot. at 9 (“Even taking this alleged harm at face value ....”).

8. In response to LifeWise’s cease-and-desist letter, Parrish responded with a meme stating: “it’s called fair use bitch.” Compl. ¶9; *cf.* Def. Mot. at 1 (“Mr. Parrish’s admittedly salty characterizations aside ....”).

9. LifeWise was forced to bring this lawsuit to remedy Parrish’s intentional copyright infringement, which Parrish maintains is fair use. *See* Compl. ¶¶53–59; Def. Mot. at 1–2.

September 16, 2024

Respectfully submitted,

/s/ James S. Kresge  
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**CERTIFICATE OF SERVICE**

I certify that, on September 16, 2024, I caused the foregoing to be filed electronically with the Clerk of Court using the CM/ECF system, which shall provide notification by email of such filing to all counsel of record.

/s/ James S. Kresge